PATENT
ATTORNEY DOCKET NO.: 066352-0034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	Confirmation No. 8310
PER BERGQVIST	)	
	)	Group Art Unit: 2618
Application No.: 10/518,296	)	
	)	Examiner: R. DEAN
For: METHOD FOR THE AUTOMATIC MANAGEMENT OF TERMINAL DEPENDENT INFORMATION	)	Customer No. 25269

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPELLANT'S BRIEF UNDER 37 C.F.R. § 41.37

This brief is in furtherance of the Notice of Appeal filed in connection with this application on March 3, 2008, and appealing the final rejection of claims 1-9 mailed September 5, 2007. The fees required under 37 C.F.R. § 41.20 (b)(2) are being filed concurrently herewith.

1. The Real Party in Interest

The real party in interest in this appeal is Per Bergqvist of Bromma, SE.

2. Related Appeals and Interferences

Appellant is not aware of any other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

3. Status of Claims

The status of the claims is as follows:

Claims canceled: None

Claims pending: 1-9

Claims withdrawn from consideration but not canceled: None

Claims allowed: None

Claims rejected: 1-9

The claims on appeal are 1-9.

4. Status of Amendments

Since the issuance of the September 5, 2007 Final Office Action, which was issued in response to an Amendment filed June 25, 2007, an Amendment after the September 5, 2007 Final Office Action was filed on January 7, 2008.

5. Summary of Claimed Subject Matter

As recited in independent claim 1, and illustrated in Figs. 1-7 (reproduced on the next and following pages) Appellant's invention relates generally to a method for the automatic management of terminal-dependent information in a wireless communication network 10, 40 (see Figs. 1 and 2 (reproduced on the next page), and page 6, line 31 – page 7, line 23 of the original specification). The method includes the steps of detection of, at block 52, the unique identity of the terminal that the subscriber

is currently using (see Fig. 3 (reproduced on the next page), and page 7, lines 30-31 of the original specification), remapping of the unique identity to properties, including type of terminal, adaptation of, at block 54, information about properties to services for the type of terminal detected (see Fig. 3 (reproduced on the next page), and page 7, lines 31-32 of the original specification), and presentation of, at block 56, the adapted information on the said terminal (see Fig. 3 (reproduced on the next page), and page 7, lines 33-34 of the original specification).

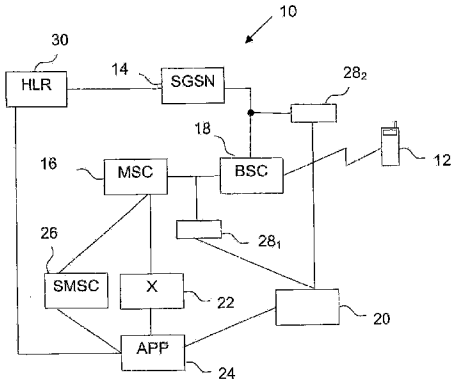

Fig. 1

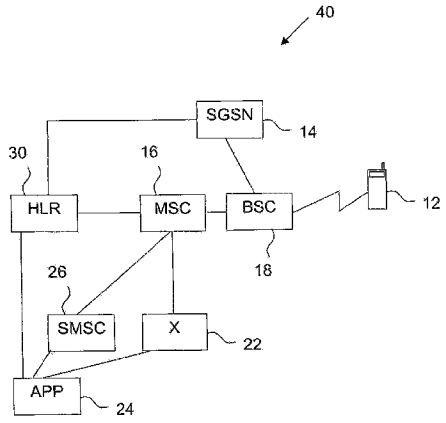

Fig. 2

Figs. 1 and 2 of App. Serial No. 10/518,296

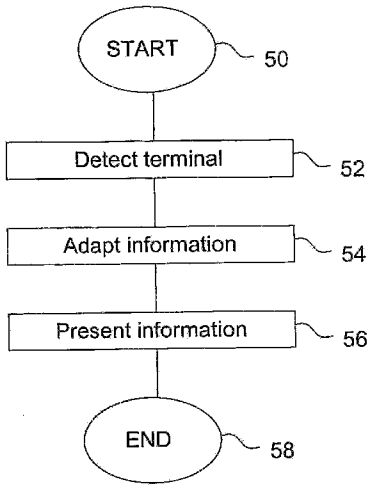

Fig. 3

Fig. 3 of App. Serial No. 10/518,296

6. Grounds of Rejection to be Reviewed on Appeal

The claims on appeal are 1-9.

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jokinen* (U.S. Patent Application No. 2003/0027581) in view of *Hurst* (U.S. Patent No. 7,149,545).

The issue presented is whether claims 1-9 are unpatentable over by *Jokinen* in view of *Hurst*.

7. Argument

The rejection of independent claim 1, and claims 2-9, which depend therefrom, is improper and should be reversed.

In the Office Action, claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jokinen* (U.S. Patent Application No. 2003/0027581) in view of *Hurst* (U.S. Patent No. 7,149,545).

Appellant respectfully traverses the rejection of claims 1-9 for the following reasons.

Independent claim 1

With regard to independent claim 1, Appellant respectfully asserts that that *Jokinen* and *Hurst*, whether viewed singly or in combination, do not teach, fairly suggest or can be combined to disclose, at least, a method for the automatic management of terminal-dependant information, including, "the detection of the unique identity of the terminal that the subscriber is currently using; the remapping of the unique identity to properties, including type of terminal; the adaptation of information about properties to services for the type of terminal detected; and the presentation of the adapted information on the said terminal."

Support for these features recited in independent claim 1 can be found at least in the summary of the invention and the detailed description of the originally filed specification, namely Figs. 1-3, page 4, lines 18-35, page 6, line 31 – page 7, line 23 and page 7, lines 30-34. Specifically, Appellant's invention relates generally to a method for the automatic management of terminal-dependent information in a wireless communication network 10, 40 (see Figs. 1 and 2 (reproduced previously), and page 6, line 31 – page 7, line 23 of the original specification). The method includes the steps of

detection of, at block 52, the unique identity of the terminal that the subscriber is currently using (see Fig. 3 (reproduced previously), and page 7, lines 30-31 of the original specification), remapping of the unique identity to properties, including type of terminal, adaptation of, at block 54, information about properties to services for the type of terminal detected (see Fig. 3 (reproduced previously), and page 7, lines 31-32 of the original specification), and presentation of, at block 56, the adapted information on the said terminal (see Fig. 3 (reproduced previously), and page 7, lines 33-34 of the original specification).

With regard to the method for the automatic management of terminal-dependant information recited in independent claim 1, Appellant respectfully notes that an object of the present invention is to automatically adapt information for the relevant terminal, by correlating the identity of the terminal with information that is available in advance regarding properties of different models, whereby it is possible with the aid of the invention to present information about properties to services. This means that the terminal automatically becomes configured. This objective is applicable in view of the already varied and increasingly varying terminals. Terminal subscribers use and adopt multiple terminals, most of which do not conform. As such, the ability to adapt information for a terminal is a benefit separate and distinct from the ability to automatically provision mobile units as in *Jokinen* or automatically activate existing content on a mobile unit as in *Hurst*.

Appellant respectfully notes that as emphasized below, it is <u>not</u> an object of the present invention to authorize subsequent service or content activation to authorized users while minimizing that unauthorized users will be able to access the service options or content.

The Office Action cites *Jokinen* and *Hurst* as teaching or suggesting a method for automatic management of terminal-dependent information as recited in independent

claim 1. The Office Action recognizes that *Jokinen* fails to disclose remapping of the unique identity to properties, including the type of terminal, but sets forth that *Hurst* teaches remapping.

Appellant submits that *Hurst* teaches a method for over-the-air activation of protected content pre-programmed on a memory device that is operable on mobile terminals. As such, regardless of which embodiment, applicability of *Hurst* is limited to devices with protect content stored in memory, such as memory cards with pre-programmed content and computer-read only memory with pre-programmed content.

Moreover, the terminal of *Hurst* is already configured. The access information is already stored in the terminal, and the *Hurst* terminal identifies itself.

Consequentially, the teachings of *Hurst* are unrelated to remapping of the unique identity properties, including the type of terminal.

Yet further, Appellant respectfully notes that while it may have been obvious to one of ordinary skill in the art to combine the teachings of *Jokinen* and *Hurst* in order to authorize subsequent service or content activation to authorized users while minimizing unauthorized users from access to the service options or content, as discussed above, Appellant respectfully notes that this is <u>not</u> an object of the present invention. The combination of *Jokinen* and *Hurst* does not give rise to the method to automatically adapt information for a relevant terminal, as is the object of the present invention, as discussed above.

With the use of the present invention method, there is no need of a dialog with the terminal in order to send the terminal dependent information.

Thus based on the deficiencies set forth above, Appellant respectfully asserts that *Jokinen* and *Hurst*, whether viewed singly or in combination, do not teach, fairly suggest or can be combined to disclose, at least, a method for the automatic management of terminal-dependant information, including, "the detection of the unique identity of the

terminal that the subscriber is currently using; the remapping of the unique identity to properties, including type of terminal; the adaptation of information about properties to services for the type of terminal detected; and the presentation of the adapted information on the said terminal," as recited in independent claim 1.

As pointed out in M.P.E.P. § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art," *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Since this criterion has not been met, Appellant respectfully asserts that the rejection under 35 U.S.C. § 103 should be withdrawn because *Jokinen* and *Hurst* do not teach, suggest, or can be combined to disclose each feature of independent claim 1. Additionally, claims 2-9, which depend from independent claim 1, are allowable at least for the reasons presented above for the allowance of independent claim 1, and the additional features recited therein.

The rejection of dependent claim 2 is improper and should be reversed.

Dependent Claim 2

In the Office Action, claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jokinen* (U.S. Patent Application No. 2003/0027581) in view of *Hurst* (U.S. Patent No. 7,149,545).

Appellant respectfully traverses the rejection of dependent claim 2 for the following reasons.

With specific regard to dependent claim 2, the Office Action indicates that *Hurst* teaches "detecting the type of terminal being carried out by monitoring and probing signal links." Appellant respectfully notes that in the cited *Hurst* portions in the Official Action, there is no teaching of monitoring and probing signal links to determine the type of terminal. The cited portions of Col. 9 refer to the transmittal of information to an activation or operation service provider. Further, the cited portions of Col. 11 and 12

discuss the return of requested data via WAP, SMS, EMS, MMS, etc. that *may* include identification information. *Hurst* teaches a request-response exchange of information that *may* include identification information. The combination of *Jokinen* and *Hurst* thus again fails to fairly teach or suggest the present invention, which provides for the monitoring and probing for the purpose of determining a terminal type.

Thus with regard to dependent claim 2, Appellant respectfully asserts that based on the reasons presented above, *Jokinen* and *Hurst* fail to teach, suggest, or can be combined to disclose "detecting the type of terminal being carried out by monitoring and probing signal links."

8. Conclusion

In view of the foregoing, Appellant respectfully requests the reversal of the Examiner's rejections and allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 04-2223. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Dated: October 2, 2008

By: /s/Adesh Bhargava
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CLAIMS APPENDIX

1. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network, which method comprises the steps of:

- the detection of the unique identity of the terminal that the subscriber is currently using;
- the remapping of the unique identity to properties, including type of terminal;
- the adaptation of information about properties to services for the type of terminal detected; and
- the presentation of the adapted information on the said terminal.

2. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network according to claim 1, the step of detecting the type of terminal being carried out by monitoring and probing signal links.

3. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network according to claim 1, the step of detecting the type of terminal being carried out by monitoring and probing signal links in order to detect MSISDN-IMSI mapping.

4. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network according to either of claim 1 further comprising the steps of:

- the request by the user of a service via SMS/USSD or conversation;

- the exchange of IMEI information between MSC and BSC/RNC or between SGSN and BSC/RNC for the subscriber;
- the capture of current IMEI information about the subscriber by probing the signal link;
- the detection by an application server of the request;
- the request by the application server for terminal properties from the configuration server;
- the discovery by the configuration server of a unique subscriber identity either by reading information that is stored locally or by a request to HLR.
- the reading by the configuration server of stored IMEI for the subscriber;
- the remapping by the configuration server of IMEI to properties;
- the return by the configuration server of the properties to the application server; and
- the transmission of a terminal-dependent configuration to the terminal via SMS or other information channel.

5. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network according to claim 1, further comprising the steps:

- the request by the user of a service via SMS/USSD or conversation;
- the detection by an application server of the request;
- the request by the application server for properties;
- the request by the configuration server for IMEI via modified ATI or a new operation involving HLR.
- the request by HLR to the terminal for IMEI via MSC/SGSN;
- the remapping by the configuration server of IMEI to properties;

- the return by the configuration server of the properties to the application server; and

- the transmission of a terminal-dependent configuration to the terminal via SMS or other information channel.

6. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network according to claim 5, wherein the step in which HLR requests IMEI from the terminal comprises the steps of:

- the request by HLR to MSC/SGSN for IMEI for the subscriber; and

- the request by MSC/SGSN to the terminal for IMEI for the subscriber via BSC.

7. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network according to claim 1, further comprising the steps of:

- the request by the application server for properties from the configuration server;

- the discovery by the configuration server of the unique subscriber identity either by reading information that is stored locally or by a request to HLR;

- the reading by the configuration server of stored IMEI for the subscriber;

- the contact by the configuration server to collaborating configuration servers if the IMEI information is not present in the local database, whereby the relevant collaborating configuration servers are determined by a request to HLR;

- the remapping by the configuration server of IMEI to properties;

- the conversion by the application server of terminal-independent information to terminal-dependent information; and

- the delivery of terminal-dependent information to the terminal.

8. (Previously Presented) A method for the automatic management of terminal-dependent information in a wireless communication network according to claim 7, the conversion step occurring based on attributes in the properties.

9. (Previously Presented) At least one software product (102_1 ..., 102_n) that can be loaded directly into the internal memory of at least one digital computer (100_1, ..., 100_n) comprising software modules for carrying out the steps according to claim 1 when the said products, at least one such, (102_1 ..., 102_n) is run on the said computers, at least one such (100_1, ..., 100_n).

Evidence Appendix (37 CFR 41.37(c)(1)(ix)

None

Related Appeals and Interferences Appendix (37 CFR 41.37(c)(1)(x)

None